

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE CAMPAIGN FOR BUFFALO HISTORY,
ARCHITECTURE & CULTURE, INC.
Petitioner,

AFFIDAVIT OF RON RIENAS

vs.

Civil Action No.:12-CV-605S

BUFFALO AND FORT ERIE PUBLIC BRIDGE
AUTHORITY,
Respondent.

STATE OF NEW YORK)
) SS:
COUNTY OF ERIE)

RON RIENAS, being duly sworn, deposes and says:

1. I am employed by Respondent, the Buffalo and Fort Erie Public Bridge Authority (the “PBA”), as General Manager. I have served in this role for approximately nine years and prior to that I was employed by the PBA in the management of operations on both the U.S. and Canadian sides of the Peace Bridge and for the Peace Bridge itself. I make this affidavit in opposition to the claims by Petitioner The Campaign for Buffalo History, Architecture and Culture, Inc. (the “Campaign”) and in support of judgment in favor of the PBA. I have knowledge of the information contained herein and the information is true to my knowledge.

2. I have read the Petition and supporting papers filed by the Campaign against the PBA. The Campaign basically seeks to stop the PBA from proceeding with its plans to demolish the structures located at 757, 765, 771, 775, 777, 783, 791 and 793 Busti Avenue (“Busti Avenue Houses”) and replacing those structures with landscaped greenspace (the “Demolition Project”).

3. The structures owned by the PBA and located at 757, 765, 771, 777, 791 and 793 Busti were acquired by the PBA in the mid to late 1990s and were boarded up and held for future demolition. After it was acquired in 1995, 783 Busti was leased to the Department of Agriculture for border related operations.

4. Campaign members Certo and Martina, who allege in this proceeding that they will be harmed by the Demolition Project, previously have complained about the condition of the boarded up Busti Avenue Houses and the negative impact these vacant houses have had on the neighborhood. A copy of a joint written complaint filed with the City of Buffalo by Campaign members Certo and Martina in 2008 is attached as Exhibit A.

5. In their Complaint, Certo and Martina describe these properties as “hazardous,” and state that these properties are a breeding ground for rats; that illicit drugs are bought and sold behind the houses; and that used needles, condoms and other paraphernalia frequently are discarded behind these houses. See Exhibit A. They also stated that their garages, storage sheds and cars are frequently broken into and that private property is constantly stolen; that these crimes occur because of the vacant Busti Avenue Houses, and that the presence of the vacant structures, and the criminal elements that the properties apparently attract, have a very negative influence on the neighborhood. Id.

6. The PBA has received many complaints from others in the neighborhood similar to the foregoing complaint from Campaign members Certo and Martina. One of the reasons that the PBA decided to proceed with demolition is to address these complaints.

7. Although not subject to SEQR, the PBA has a longstanding policy of voluntary compliance with state/provincial and local laws on both sides of the Border. As a

result, the PBA determined that it would undertake, on a voluntary basis, a detailed environmental review pursuant to SEQR for the Demolition Project.

8. In order to assist it through the SEQR process and to help ensure a thorough and comprehensive review, the PBA retained a number of experts, including: (i) Wendel, an experienced SEQR consulting firm to provide advice on the scope and content of the PBA's environmental review; (2) Watts Engineering to provide engineering analysis and support; and (3) KTA Preservation Specialists to help evaluate historic resources and develop and implement mitigation plans as appropriate.

9. The PBA's SEQR consultant, Wendel, prepared Part 1 of the Full Environmental Assessment Form ("EAF") pursuant to SEQR in March, 2012 with the help of PBA staff. That Part 1 was finalized and executed on April 10, 2012. The PBA voluntarily circulated Part 1 of the EAF to a number of potentially interested agencies asking for comments about the Demolition Project and its environmental impacts. No agency, including the City Preservation Board, provided any substantive comments regarding potential environmental impacts.

10. The PBA also voluntarily made the Busti Avenue Houses available, for free, to any party interested in relocating one or more of the structures. We specifically wrote to the Campaign to make them aware of the offer, and provided them a copy of the structural report we had for the Busti Avenue Houses. The Campaign never inspected the houses, and never responded to the relocation offer in any fashion.

11. As a follow-up to the Notice of Availability for Relocation, on April 4, 2012, although no public meetings are required pursuant to SEQR, the PBA held a Public Information Session regarding the proposed Demolition Project at the Porter Avenue Library.

12. Several members of the public (including Petitioner's executive director, Tim Tielman), attended the Public Information Session and the PBA received comments from the public both at the meeting and via e-mail.

13. Despite this notice and opportunity to submit comments, Petitioner contributed nothing by way of comments or concerns about the Demolition Project. No comments were received directly from Petitioner (either before, during or after the public meeting) and no relevant areas of environmental concern were raised by Petitioner.

14. The PBA's SEQR consultant, Wendel, over the course of April and May, 2012, prepared Parts 2 and 3 of the Full EAF. On May 25, 2012, following a comprehensive SEQR process, the PBA adopted a resolution setting forth findings of fact with regard to its environmental review of the Demolition Project, adopting a Negative Declaration that the project would not result in any significant adverse environmental impacts, and approving of the Project.

15. Following the adoption of the Negative Declaration and Board authorization to proceed, the PBA began mobilizing for the demolition activity. A contract was entered into with a qualified contractor for all work associated with the Demolition Project, including asbestos abatement, utility capping, demolition, and site restoration. The cost of actual work to be conducted on each of the Busti Avenue Houses is less than \$20,000 (this excludes costs not involving actual work (i.e., labor) on the structures themselves).

16. Once the PBA executed the demolition contract, the demolition contractor fenced off the Project Site from the public and began asbestos abatement and utility capping. All asbestos abatement work and utility capping has now been completed and the Busti Avenue Houses are ready for demolition.

17. As already noted, the Busti Avenue Houses were acquired for the purposes of demolition. The PBA has no intention of ever restoring the Busti Avenue Houses for occupancy regardless of whether the Plaza is ever expanded. As explained in the Negative Declaration, the PBA will not allow the Busti Avenue Houses to be used for residential purposes next to a poorly functioning Plaza. See R. at 798.

18. Based on the foregoing, and as fully set forth in the PBA's accompanying submissions, it is respectfully submitted that the claims of the Campaign in its Verified Petition should be dismissed in their entirety, and the Court should grant such other and further relief as it deems just and proper.

Dated: Buffalo, New York
September 6, 2012

s/ Ron Rienas
Ron Reinas

Sworn to before me this
6 day of September 2012.

s/ Pamela C. Kepfer
Pamela C. Kepfer
Notary Public
State of New York
Qualified in Erie County
My Commission Expires 08/08/2015

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